

In re: Xiong et al.  
Serial No.: 09/541,462  
Filed: March 31, 2000  
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### REMARKS

Claims 1, 3-7 and 13-16 are pending and were subject to examination in the outstanding Final Action. Claims 1, 7, 15 and 16 are amended above, and new Claim 49 added, to put the application in better condition for allowance or appeal. Applicants note with appreciation that Claims 3-6 and 13-14 are allowable, and Claims 1 and 7 are only subject to objections. The remaining issues raised in the Advisory Action are addressed below.

The objections to Claims 1 and 7 and the rejection of Claim 15 under §112, second paragraph raised in paragraphs 4-7 of the Advisory Action have been addressed by amending the claim language as suggested in the Advisory Action. The amendments are merely cosmetic in effect and do not alter the scope of the claimed subject matter.

In paragraph 8, Claims 15 and 16 stand rejected under § 112, first paragraph on the basis of lack of written description and scope of enablement. Although Applicants respectfully disagree with these rejections, the amendments to Claims 15 and 16 presented above have addressed these concerns. As discussed above, the amendment to Claim 15 does not alter the scope of the claimed subject matter, but is merely clarifying in nature. Likewise, the amendments to Claim 16 do not alter the scope of the embodiments encompassed by subparagraphs (i) and (ii).

New Claim 49 has been added which is similar to Claim 16 except that it recites a "polynucleotide consisting of a segment of at least 60 consecutive nucleotides." Clearly, a polynucleotide consisting of a segment of at least 60 consecutive nucleotides of the recited nucleic acids is both sufficiently described and enabled by the present application.

The amendments to Claim 16, subparagraph (iii), have been presented to expedite the prosecution of this application to allowance, without the Applicants surrendering any subject matter, which can be pursued in a continuation application.

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The concerns of the Examiner having been addressed in full, Applicants respectfully request withdrawal of all outstanding rejections and the issuance of a Notice of Allowance forthwith. The Examiner is encouraged to address any questions regarding the foregoing to the undersigned attorney, who may be reached at (919) 854-1400.

Respectfully submitted,




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Sarah Brunmeier